THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 26914 of 1998

Date: 31.10.2007

Between:

G.C. Tirupathaiah and others.

..... PETITIONERS

AND

The Vice-Chairman and Managing Director,
APSRTC, Musheerabad, Hyderabad and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 26914 of 1998

Order:

This writ petition is filed seeking a Mandamus declaring the action of the respondents in not rectifying the wage anomaly and not fixing the pay of the petitioners on par with their juniors i.e., respondent Nos.3 and 4, as illegal, and consequently to direct the respondents to step up their pay on par with their juniors with effect from 01.04.1989 duly granting all other consequential benefits.

The main grievance of the petitioners in this writ petition is that when the pay of their juniors, i.e., respondent Nos.3 and 4 was fixed higher than their pay, they made several representations requesting the respondents to rectify their wage anomaly and fix their pay on par with their juniors with effect from 01.04.1989, but the respondents, without considering the same, have rejected their claim, by impugned orders dated 06.01.1998. Hence, they filed the present writ petition.

A counter affidavit was filed by the respondents denying the allegations of the petitioners and *inter alia* stating that the petitioners were promoted to the cadre of Controller/ADC prior to 14.11.1988, and whereas the juniors to the petitioners were promoted to the said cadre after 14.11.1988. It is stated that the pay anomaly has arisen between the petitioners and their juniors only due to providing of notional increments in terms of amended Regulation 9 (1) (a) of APSRTC Employees (Pay and Allowances) Regulations, which has come into effect from 14.11.1988 by a modification dated 11.07.1989, but not due to providing of any special grade and promotional fixation. It is further stated that as per Circular No.PD-113/90, dated 06.10.1990, if any juniors were promoted after giving special grade, the seniors are entitled to draw the pay on par with their juniors, but in the instant case since the

juniors to the petitioners were promoted without giving special grade, the Circular dated 06.10.1990 is not applicable to the case of the petitioners.

Heard the learned counsel for the petitioners and the learned Standing Counsel for the respondent-Corporation.

Learned counsel for the petitioners submits that the petitioners are entitled for fixation of pay on par with their juniors, but there is no reason mentioned in the impugned order for rejecting the case of the petitioners for stepping up of their pay on par with their juniors. He, however, submits that if the Circular dated 06.10.1990, has no application to the case of the petitioners as contended by the respondents, subsequently some more circulars were issued and he wants to make his claim on the basis of said circulars.

Having regard to the facts and circumstances of the case, and in view of the stand taken by the learned counsel for the petitioners, the writ petition is dismissed granting liberty to the petitioners to make a representation on the basis of any subsequent circulars for stepping up of their pay on par with their juniors, if they are entitled. No costs.

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N.V. RAMANA, J.

Date: 31.10.2007
Nsr